

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

-VS-

ANDRE THOMAS

Defendant

CASE NO. 1:07CR136

: ORDER ACCEPTING PLEA
: AGREEMENT AND JUDGMENT AND
: NOTICE OF HEARING

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr. regarding the change of plea hearing and plea agreement of Andre Thomas which was referred to the Magistrate Judge with the consent of the parties.

On 7 March 2007, the government filed a five-count indictment against Andre Thomas for conspiracy to possess with intent to distribute and to distribute cocaine base (crack) in violation of 21 U.S.C. § 841(a)(1), § 841(b)(1)(A), 21 U.S.C. § 846; distribution of cocaine base (crack) in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(A); possession with intent to distribute cocaine base

(crack) in violation of 21 U.S.C. § 841(a)(1), § 841(b)(1)(A), 18 U.S.C. § 2; and felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). On 22 March 2007, a hearing was held in which Andre Thomas entered a plea of not guilty before Magistrate Judge Nancy A. Vecchiarelli. On 21 April 2008, Magistrate Baughman received Andre Thomas's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Andre Thomas is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Andre Thomas is adjudged guilty of Counts 2, 3, 5 and 6 in violation of 21 U.S.C. § 841(a)(1), § 841(b)(1)(A), 18 U.S.C. § 2, and 18 U.S.C. § 922(g)(1).

Sentencing will be:

7 July 2008 at 10:30 a.m.

**Courtroom 19-A
19th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated:

12 May 08


UNITED STATES DISTRICT JUDGE